

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DES MOINES, IOWA, AREA LOCAL)	
AMERICAN POSTAL WORKERS UNION,)	
ALF-CIO,)	
)	
Plaintiff,)	8:06CV239
)	
v.)	
)	
MAIL CONTRACTORS OF AMERICA,)	ORDER
INC.,)	
)	
Defendant.)	
_____)	

This matter is before the Court on defendant's motion to dismiss (Filing No. 9). The Court intends to consider the evidentiary matters attached to the defendant's motion to dismiss, thereby converting defendant's motion to dismiss into a motion for summary judgment, pursuant to Fed. R. Civ. P. 12(b). Accordingly,

IT IS ORDERED:

1) That defendant's motion to dismiss (Filing No. 9) is converted into a motion for summary judgment.

2) That plaintiff has until July 17, 2006, to submit a brief and/or any evidentiary materials in opposition to the defendant's motion for summary judgment.

3) That the defendant has until July 28, 2006, to submit a supplementary reply brief.

DATED this 26th day of June, 2006.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court